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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,216	11/08/2001	Jin Lu	US 010560	2170

24737 7590 10/28/2003

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EXAMINER

OSORIO, RICARDO

ART UNIT PAPER NUMBER

2673

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/008,216

**Applicant(s)**

LU, JIN

**Examiner**

RICARDO L OSORIO

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-17 is/are rejected.
- 7) ☒ Claim(s) 9 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claim 10 is objected to because of the following informalities: In claim 10, line 8, change "2" to --two--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 6, 8, 10-12, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gillespie et al (5,880,441).

Regarding claim 1, Gillespie teaches of a multi-point touch pad (Fig. 1, reference character 6, and col. 9, line 3-col. 52, line 35), comprising: a touch layer having a top surface and a bottom surface (Fig. 2D, reference character 36) and a plurality of pressure sensing devices (Fig. 2D, reference character 34) coupled to the bottom surface of the touch layer (col. 11, lines 28-34) such that touch pressure applied to the top surface will impart pressure to the pressure sensing devices near the location of the touch pressure (col. 9, lines 5-14 and col. 11, lines 58-65); each pressure sensing device coupled to a processor (Fig. 1, reference characters 16, 18 and 20 combined, col. 19, lines 30-34 and col. 20, line 63-col. 21, line 8) constructed to calculate the location of at least two points on the top surface being touched (col. 5, lines 49-51, and col. 27,

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lines 26-46. Note that (Xold, Yold) is a first point and (Xcur, Ycur) is a second point), based on pressure sensing readings from the pressure sensors (col. 9, lines 16-22).

Regarding claim 2, Gillespie teaches of the processor being also constructed to calculate the pressure applied at each point being touched (col. 5, lines 51-52 and col. 9, lines 16-19).

Regarding claim 3, Gillespie teaches of the pressure sensing device comprising capacitive touch sensors (col. 10, lines 13-17).

Regarding claim 5, Gillespie teaches of the processor being a digital signal processor (Fig. 1, reference characters 16, 18 and 20 combined, col. 19, lines 19-34 and col. 20, line 63-col. 21, line 8. A microprocessor is a CPU, and a CPU is a digital signal processor).

Regarding claim 6, Gillespie teaches that the pressure sensors are arranged in a matrix (Fig. 2C, reference character 22).

Regarding claim 8, Gillespie teaches that the processor (Fig. 1, reference characters 16, 18 and 20 combined) is constructed to perform the following algorithm:

- a. sampling the pressure sensing signals from a plurality of pressure sensing devices (col. 13, lines 45-56);
- b. calculating locations of single or multiple touches on the touch pad (col. 5, lines 49-51, col. 14, lines 29-37 and col. 27, lines 26-46);

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c. calculating the amount of pressure exerted on each touch on the touch pad (col. 5, lines 51-52 and col. 9, lines 16-19).

d. outputting calculation data (col. 9, lines 20-22).

Regarding claim 10, Gillespie teaches of a method of controlling an application (col. 27, lines 42) with a touch pad (Fig. 1, reference character 6, and col. 9, line 3-col. 52, line 35), comprising the steps of:

providing a touch pad (Fig. 1, reference character 6) having a touch surface with a bottom and a top (Fig. 2D, reference character 36) and a plurality of pressure sensors arranged under the touch surface and coupled to the bottom of the touch surface (Fig. 2D, reference character 34 and col. 11, lines 28-34);

touching the top of the touch surface at at least two points (col. 5, lines 49-51, and col. 27, lines 26-46);

sending a signal to a processor (Fig. 1, reference characters 16, 18 and 20 combined, col. 19, lines 30-34 and col. 20, line 63-col. 21, line 8) corresponding to the pressure at each sensor (col. 9, lines 15-19 and col. 11, lines 28-34);

performing an algorithm to determine the location of the at least two touch points (col. 5, lines 49-51, and col. 27, lines 26-46. Note that (Xold, Yold) is a first point and (Xcur, Ycur) is a second point) based on comparing the pressure at each of the sensors (col. 9, lines 16-22).

Regarding claim 11, Gillespie further teaches of calculating the pressure applied at each point being touched (col. 5, lines 51-52 and col. 9, lines 16-19).

Regarding claim 12, Gillespie teaches of the pressure sensing device comprising capacitive touch sensors (col. 10, lines 13-17).

Regarding claim 14, Gillespie teaches of the processor being a digital signal processor (Fig. 1, reference characters 16, 18 and 20 combined, col. 19, lines 19-34 and col. 20, line 63-col. 21, line 8. A microprocessor is a CPU, and a CPU is a digital signal processor).

Regarding claim 15, Gillespie teaches that the pressure sensors are arranged in a matrix (Fig. 2C, reference character 22).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 7, 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillespie (see above rejection under 35 U.S.C. 102(b)) in view of Bisset et al (5,825,352).

Regarding claim 4, Gillespie teaches of the pressure sensing device comprising a capacitive touch sensor array (Fig. 2C, reference character 22).

However, Gillespie fails to teach of the pressure sensing device comprising a strain gauge.

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Bisset teaches of a touch sensor pad (Fig. 1, reference character 20) that has a pressure sensing device comprising, as an alternative, strain gauges (col. 1, lines 18-28 and col. 2, 18-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the strain gauges, as taught by Bisset, in the device of Gillespie because strain gauges are among many types of conventional touch sensing devices that can be used alternatively and interchangeably, such as capacitive, resistive, surface acoustic, touch sensors based on strain gauges or pressure sensors, and optical sensors (see col. 1, lines 18-28 and col. 2, lines 18-23).

Regarding claim 7, Gillespie teaches that the sensors are arranged in a matrix (Fig. 2C, reference character 22).

Regarding claim 13, Gillespie teaches of the pressure sensing device comprising a capacitive touch sensor array (Fig. 2C, reference character 22).

However, Gillespie fails to teach of the pressure sensing device comprising strain gauges.

Bisset teaches of a touch sensor pad (Fig. 1, reference character 20) that has a pressure sensing device comprising, as an alternative, strain gauges (col. 1, lines 18-26 and col. 2, 18-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the strain gauges, as taught by Bisset, in the device of Gillespie because strain gauges are among many types of conventional touch sensing devices that can be used as alternatively and interchangeably, such as capacitive, resistive, surface acoustic, touch sensors

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based on strain gauges or pressure sensors, and optical sensors (see col. 1, lines 18-28 and col. 2, lines 18-23).

Regarding claim 16, Regarding claim 7, Gillespie teaches that the sensors are arranged in a matrix (Fig. 2C, reference character 22).

Regarding claim 17, Gillespie teaches that the processor (Fig. 1, reference characters 16, 18 and 20 combined) performs an algorithm comprising the steps of:

- a. sampling the signals from a plurality of pressure sensing devices (col. 13, lines 45-56);
- b. calculating locations of single or multiple touches on the touch pad (col. Col. 5, lines 49-51, col. 14, lines 29-37 and col. 27, lines 26-46);
- c. calculating the amount of pressure exerted on each touch on the touch pad (col. 5, lines 51-52 and col. 9, lines 16-19).
- d. outputting calculation data from the algorithm to control the application (col. 9, lines 20-22).

However, Gillespie fails to teach that the pressure sensing devices are strain gauges.

Bisset teaches of a touch sensor pad (Fig. 1, reference character 20) that has a pressure sensing device comprising, as an alternative, strain gauges (col. 1, lines 18-26 and col. 2, 18-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the strain gauges, as taught by Bisset, in the device of Gillespie because strain gauges are among many types of conventional touch sensing devices that can be used alternatively and interchangeably, such as capacitive, resistive, surface acoustic, touch sensors



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based on strain gauges or pressure sensors, and optical sensors (see col. 1, lines 18-28 and col. 2, lines 18-23).

***Allowable Subject Matter***

6. Claims 9 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: Claims 9 and 18 are allowable since certain key features of the claimed invention are not taught or fairly suggested by the prior art. Specifically, the formula as claimed, in claims 9, page 10, lines 19-21, and claim 18, page 12, line 23-page 13, line 2. The closest prior art, Gillespie et al. (5,880,411) teaches of formulas to implement finger position and motion, however, Gillespie either singularly or in combination with other prior art, fails to anticipate or render said formula obvious.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricardo L. Osorio whose telephone number is (703) 305-2248. The examiner can normally be reached on Mon-Thu from 7:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached at 305-4938.

**Any response to this action should be mailed to:**

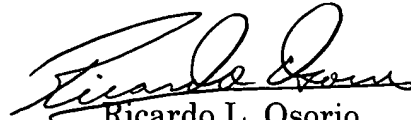
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**or faxed to: (703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read "Ricardo L. Osorio", written over a horizontal line.

Ricardo L. Osorio  
Examiner  
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RLO  
October 20, 2003